

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD BREES,

Plaintiff,

v.

JEFFERSON COUNTY, et al.,

Defendants.

Case No. C07-5000RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Motion for Partial Summary Judgment [Dkt. #22]. Having considered the entirety of the records and file herein, the Court hereby rules as follows:

Plaintiff seeks partial summary judgment against the defendants based upon the defendants' Answer which asserted as an affirmative defense: "The search warrant was issued without probable cause." On November 6, 2007 the Court entered an Order allowing defendants to amend their Answer and delete this affirmative defense. [Dkt. #27]. In allowing the amendment, the Court found that the above-quoted language was an obvious typographical error, and that plaintiff was not unduly prejudiced by the amendment. [*Id.*]. Because the Answer has been amended striking the obviously erroneous defense, the basis for plaintiff's

1 motion for partial summary judgment has been removed from the case. Therefore, plaintiff's Motion for Partial  
2 Summary Judgment [Dkt. #22] is **DENIED**.

3 **IT IS SO ORDERED.**

4 Dated this 19<sup>th</sup> day of November, 2007.

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7 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE